

# EXHIBIT

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1 Scott A. McMillan, CBN 212506  
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4 Attorneys for Plaintiff,  
 5 Lycurgan, Inc.

6  
 7 UNITED STATES DISTRICT COURT  
 8 SOUTHERN DISTRICT OF CALIFORNIA  
 9

10 LYCURGAN, INC., a California  
 corporation, d/b/a Ares Armor,

11 Plaintiff,

12 vs.

13 TODD JONES, in his official  
 14 capacity as Director of the  
 Bureau of Alcohol, Tobacco, Firearms  
 15 and Explosives.

16 Defendant.

CASE NO. 14cv1679 JLS BGS

9<sup>TH</sup> CIR. CASE NO.: 15-55228

**AMENDED NOTICE OF APPEAL**

17 Notice is hereby given that LYCURGAN, INC., a California corporation,  
 18 d/b/a Ares Armor (“Lycurgan”), plaintiff in the above entitled case, hereby appeals  
 19 to the United States Court of Appeals for the Ninth Circuit from the “Judgment in  
 20 a Civil Case” entered on December 17, 2014.

21 On January 14, 2015, Lycurgan filed a Notice of Motion for New trial. [ECF  
 22 25.]

23 On March 5, 2015, the Clerk of the Court of Appeal issued an order stating  
 24 as follows:

25 “The court's records reflect that the notice of appeal was filed during  
 26 the pendency of a timely filed motion listed in FRAP 4(a)(4). The  
 27 notice of appeal is therefore ineffective until entry of the order  
 28 disposing of the last such motion outstanding. Accordingly, appellate

proceedings other than mediation shall be held in abeyance pending the USDC's resolution of the pending motion. Within 7 days after the USDC's ruling on the pending motion, appellant shall notify the USCA in writing of the ruling and shall advise whether appellant intends to prosecute this appeal. To appeal the USDC's ruling on the post-judgment motion, appellant must file an amended notice of appeal within the time prescribed by FRAP 4. The Clerk shall serve this order on the USDC.”

ECF 32.

On June 11, 2015 the District Court entered an order “Denying Plaintiff Lycurgan, Inc.'s Motion For New Trial; And (2) Granting Plaintiff Leave To File A First Amended Complaint: Plaintiff may file an amended complaint within 21 days of the date on which this order is electronically docketed.” [ECF 33, attached as Exhibit ‘A.’.]

On July 1, 2015, Lycurgan filed its Verified Petition for Return of Property, and for Attorneys Fees; Demand for Jury Trial as an amended complaint. [ECF 34]

To the extent that an appeal lies, notice is hereby given that LYCURGAN, INC., a California corporation, hereby appeals the judgment and the order denying the new trial motion entered June 11, 2015.

Respectfully submitted,

The McMillan Law Firm, APC

/s/ Scott A. McMillan

Dated: July 12, 2015

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Scott A. McMillan  
Attorneys for Plaintiff  
Lycurgan, Inc. d/b/a Ares Armor  
Plaintiff

CERTIFICATE OF SERVICE

I, Scott A. McMillan, am a citizen of the United States, am over the age of eighteen, and not a party to the above entitled action. My business address is 4670 Nebo Drive, Suite 200, La Mesa, CA 91941-5230. I have caused service of the following documents:

- AMENDED NOTICE OF APPEAL

By Electronic Court Service, upon:

**U S Attorney CV** Efile.dkt.civ@usdoj.gov

**Daniel Everett Butcher** Daniel.Butcher@usdoj.gov, efile.dkt.civ@usdoj.gov, yvette.macias@usdoj.gov

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on the date set forth below.

The McMillan Law Firm, APC

Dated: July 12, 2015

/s/ Scott A. McMillan

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Scott A. McMillan  
Attorneys for Plaintiff  
Lycurgan, Inc.